OIPE (GP) 261

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

In re Application of:

Douglas Miller and Keith Curtis

Serial No. 09/818,085

Filed:

March 26, 2001

Title: System and Method for Set Top

Box Channel State Feedback

RECEIVED

MAR 1 1 2002

Examiner: not yet known

Technology Center 2600

Art Unit: 2611

Atty. Dkt. No.: 10003.000600 (digeo 83)

Commissioner of Patents Washington, DC 20231

INFORMATION DISCLOSURE STATEMENT

Under 37 C.F.R. §1.56 and §§1.97-98

Sir:

Pursuant to the provisions of 37 CFR 1.56 and §§1.97-98, enclosed herewith is form PTO/SB/08 (substitute for form 1449A/PTO) listing references which may be material to the examination of this application, and with respect to which there may be a duty to disclose. The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

A copy of each listed reference is enclosed herewith, unless no such copy is required pursuant to 37 CFR § 1.98(d).

| This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior |
|---|
| application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the |
| references cited therein are hereby listed but are not required to be provided in |
| this application under 37 CFR § 1.98(d). |

Pursuant to 37 CFR §1.97, this Information Disclosure Statement is being submitted under the section indicated below.

| \boxtimes | 37 CF | R §1.97(b). |
|-------------|--------------------|--|
| | 37 CF. | R §1.97(c). If so, then either: Applicant certifies pursuant to 37 CFR § 1.97(e) that either: each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56 (c) more than three months prior to the filing of this Statement. |
| | | OR Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p). |
| | | R § 1.97(d). If so, then both: Applicant certifies pursuant to 37 CFR § 1.97(e) that either: each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more that three months prior to the filing of this Statement; OR no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement. |
| | AND □ 1.17(p | Applicant submits the petition fee of \$180 as set forth in 37 CFR § |

Consideration of the listed references and favorable action are respectfully solicited.

Respectfully submitted, Douglas Miller and Keith Curtis

Dated: October 17, 2001

By: M. M. Le Common Arnold M. deGuzman, Reg. No. 39,955 deGuzman Okamoto & Benedicto, LLP

P.O. Box 51900

Palo Alto, CA. 94303 Tel.: (650) 691-2030 Fax: (650) 691-2032

| | | CERTIFICATE OF MAI | LING | |
|--|---|--|---|-----------------------------------|
| deposited with the Un Commissioner for Pat Number is filled in 1 Service "Express Mai | ited States Pos nts, Washington elow, then this | dence, including the enclo stal Service as first class 1, D.C. 20231 on the date s correspondence is being d Addressee" service pursua | mail in an envelope a hown below. If the Exp eposited with the Unit | ddressed to: ress Mail Mailing |
| Signature: | no or a | - | | |
| Typed or Printed Name: | Arnold M. | deGuzman | Dated: | Oct. 17, 2001 |
| Express Mail Maili (optional): | ng Number | | | |

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork/Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

MAR 0 5 2002

INFORMATION DISCLOSURE STATEMENT BY ARPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

| Complete if Known | | | | | |
|-----------------------|-------------------------|--|--|--|--|
| Application Number | 09/818,085 | | | | |
| Filing Date | March 26, 2001 | | | | |
| First Named Inventor | Douglas Miller | | | | |
| Group Art Unit | 2611 | | | | |
| Examiner Name | not yet known | | | | |
| Attomey Docket Number | 10003.000600 (digeo 83) | | | | |

| Cite No. ¹ | | itent Docume | ent | | | |
|--------------------------|--------|-----------------------|-----|-------------------------------|------------------------------|--|
| | l | | | Name of Patentee or Applicant | Date of Publication of | Pages, Columns, Lines, Where Relevant |
| | Number | Kind Cod (if known | | of Cited Document | Cited Document MM-DD-YYYY | Passages or Relevant Figures Appear |
| | | | | | | |
| | | | | | | STOENED |
| | | | | | | RECEIVED MAR 1 1 2002 Technology Center 26 |
| | | | | | | MAR 1 2 26 |
| | | | | | | Technology contra |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| | FOREIGN PATENT DOCUMENTS | | | | | | | | | |
|-----------------------|--------------------------|---------------------|----------------|---|-----------------------------------|------------------------------|--|----------------|--|--|
| Evaminas | Cite | For | eign Patent Do | ocument | Name of Patentee | Date of Publication of | Pages, Columns, Lines, | | | |
| Examiner Initials* | No.1 | Office ³ | Number⁴ | Kind Code ⁵ (<i>if known</i>) | or Applicant of Cited Document | Cited Document MM-DD-YYYY | Where Relevant Passages or Relevant Figures Appear | T ₆ | | |
| | | | | | | | | | | |
| | | | | <u>.</u> | | | | | | |
| | | | | | | | | | | |
| | | | | _ | | | | | | |
| | | | | | | | | | | |
| | | | - | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

| Examiner Signature | Date Considered | |
|-----------------------|--------------------|--|
| | | |

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark hee if English language Translation is attached.

| | | | | | _ |
|--------|-------|-----------|--------|---------|--------|
| Dioneo | hma a | plus sign | (+) in | cide th | ic hov |
| | | | | | |

Substitute for form 1449A/PTO

| PTO/SB/08A | (UB_UU) |
|--------------|---------|
| P I U/SD/UUA | (00-00) |

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, increasons are required to respond to a collection of information unless it contains a valid OMB control number of form 1449A/PTO

MAR 0 5 2002

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) of 2 Sheet

| Complete if Known | | | | | |
|------------------------|-------------------------|--|--|--|--|
| Application Number | 09/818,085 | | | | |
| Filing Date | March 26, 2001 | | | | |
| First Named Inventor | Douglas Miller | | | | |
| Group Art Unit | 2611 | | | | |
| Examiner Name | not yet known | | | | |
| Attorney Docket Number | 10003.000600 (digeo 83) | | | | |

| OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS | | | | | | | |
|---|--------------|---|---------|--|--|--|--|
| Examiner Initials * | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T 2 | | | | |
| | А | Motorola 2000 Annual Report. Letter to stockholders [online]. [retrieved on October 16, 2001]. Retrieved from the internet: <pre></pre> | | | | | |
| | | DECEIVE | D | | | | |
| | | RECEIVE MAR 1 1 21 Technology Cen | 002 | | | | |
| | | Tochnology Cen | ter 260 | | | | |
| | | · · · · · · · · · · · · · · · · · · · | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

| Examiner | Date | |
|-----------|------------|--|
| Signature | Considered | |

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

PTO/SB/21 (08-00) Please type a plus sign (+) inside this box -> + Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE **Application Number** 09/818.085 **TRANSMITTAL Filing Date** March 26, 2001 **FORM** MAR 1 1 2002 **First Named Inventor Douglas Miller** (to be used for all correspondence after initial filing) **Group Art Unit** 2611 Technology Center 2600 **Examiner Name** not yet known **Attorney Docket Number** Total Number of Pages in This Submission 10003.000600 (digeo 83) ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form (for an Application) Group Appeal Communication to Board of Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group Amendment / Response Licensing-related Papers (Appeal Notice, Brief, Reply Brief) After Final Petition **Proprietary Information** Petition to Convert to a Affidavits/declaration(s) Status Letter Provisional Application Power of Attorney, Revocation Other Enclosure(s) Extension of Time Request Change of Correspondence Address (please identify below): Form PTO/SB/08; Terminal Disclaimer Copies of listed references (__1_ Express Abandonment Request Request for Refund document); return receipt postcard CD, Number of CD(s) Certified Copy of Priority Remarks Document(s) * does not include pages for listed references Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Arnold M. deGuzman, Reg. No. 39,955 DEGUZMAN OKAMOTO & BENEDICTO, LLP Individual name mmlen

| | CERTIFICATE OF MAILING | _ | | |
|---|--|---------------|-------------------------------|-------|
| I hereby certify that this c | orrespondence is being deposited with the United States Post | al Service as | s first class mail in an enve | elope |
| addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 10/17/01 | | |] . | |
| Typed or printed name | Amold M. deGuzman | - | | |
| Signature | nm da | Date | October 17, 2001 | |

Signature

Date

October 17, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.